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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,934	03/23/2005	Declan Kelly	NL 031165	6611
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EXAMINER DUNN, MISHAWN N				
ART UNIT 2621		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,934

Applicant(s)

KELLY ET AL.

Examiner

MISHAWN DUNN

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-083)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. "A record carrier in the form of a computer-readable medium" is described in the specification.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, and 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamauchi et al. (EP Pat. No. 0831647) in view of Kaneshige et al. (US Pat. No. 5,913,010).

5. Consider claim 1. Yamauchi et al. teaches an apparatus for recording a main multiplex stream file comprising a main information signal of a video information signal and a first auxiliary information signal, and auxiliary elementary stream files, comprising further auxiliary information signals, in a track on a record carrier, so as to enable simultaneous presentation of the main information signal and at least one of the further auxiliary information signals, said track comprising a series of physical locations, said apparatus comprising: first receiving means for receiving said main multiplex stream file; second receiving means for receiving said elementary stream auxiliary files; first processing means for subdividing the main multiplex stream file into a sequence of main blocks, each main block comprising a part of the main information signal having a specific presentation time; second processing means for subdivide each auxiliary elementary stream file into a sequence of auxiliary blocks, each auxiliary block comprising a part of a further auxiliary information signal having a specific presentation time (col. 9, line 45—col. 11, line 30 col. 16, line 18 - col. 19, line 46; figs. 3, 4A-B. 13A-B, 14, and 15).

Yamauchi et al. does not teach a writing means for interleaved writing in said track of the record carrier, in a first physical location, a block of an auxiliary elementary stream file comprising a part of a further auxiliary information signal having a specific presentation time, in a second physical location, a subsequent block of the corresponding auxiliary elementary stream file, and in at least one location between the first and second physical locations, at least one block of the main multiplex stream file comprising a part of the main information signal having a presentation time

corresponding to the presentation time of the further auxiliary information signal to be written in the first physical location.

However, Kaneshige et al. teaches a writing means for interleaved writing in said track of the record carrier, in a first physical location, a block of an auxiliary elementary stream file comprising a part of a further auxiliary information signal having a specific presentation time, in a second physical location, a subsequent block of the corresponding auxiliary elementary stream file, and in at least one location between the first and second physical locations, at least one block of the main multiplex stream file comprising a part of the main information signal having a presentation time corresponding to the presentation time of the further auxiliary information signal to be written in the first physical location (col. 18, lines 15-22; fig. 17).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to writing in a interleaved manner in said track of the record carrier, in a first physical location, a block of an auxiliary elementary stream file comprising a part of a further auxiliary information signal having a specific presentation time, in a second physical location, a subsequent block of the corresponding auxiliary elementary stream file, and in at least one location between the first and second physical locations, at least one block of the main multiplex stream file comprising a part of the main information signal having a presentation time corresponding to the presentation time of the further auxiliary information signal to be written in the first physical location, in order to suppress any disturbance in the reproduced video.

6. Consider claim 2. Yamauchi et al. teaches apparatus as claimed in claim 1, characterized in that a first number of auxiliary files comprises a similar type of signals, the second processing means being adapted to subdivide the first number of auxiliary signals into sequences of auxiliary blocks comprising parts of the respective auxiliary information signals having similar specific presentation times, and the writing means are adapted to write in contiguous locations the blocks of the first number of auxiliary signals comprising the parts of the auxiliary signals having the similar specific presentation time.
7. Consider claim 4. Yamauchi et al. teaches apparatus as claimed in claim 1 or 2, characterized in that at least one of the auxiliary information signals is an audio signal (col. 9, lines 51-56; col. 10, lines 37-42).
8. Consider claim 5. Yamauchi et al. teaches apparatus as claimed in claim 1 or 2, characterized in that at least one of the auxiliary information signals is a subtitle signal (col.9, lines 51-56; col. 10, lines 43-48).
9. Consider claim 6. Yamauchi et al. teaches apparatus as claimed in claim 1 or 2, characterized in that at least one of the auxiliary information signals is a PIP signal (col. 11, lines 1-20).
10. Consider claim 7. Yamauchi et al. teaches apparatus as claimed in claim 1 or 2, characterized in that at least one of the auxiliary signals is a graphics signal (fig. 9).
11. Consider claim 9. Yamauchi et al. teaches method as claimed in claim 8, characterized in that a first number of auxiliary files comprises a similar type of signals, the method further comprises the steps of: subdivide the first number of auxiliary signals

into sequences of auxiliary blocks comprising parts of the respective auxiliary information signals having similar specific presentation times, writing in contiguous locations the blocks of the first number of auxiliary signals comprising the parts of the auxiliary signals having the similar specific presentation time (col. 16, line 18 - col. 19, line 46).

12. Claims 8 and 10 are rejected using similar reasoning as the corresponding claim above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISHAWN DUNN whose telephone number is (571)272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MISHAWN DUNN/
Examiner, Art Unit 2621
February 8, 2009

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621